

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
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J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

2. Nontraditional occupation. “Nontraditional occupation” means:

A. For a female participant, an occupation in which 25% or less of the people in that occupation are females according to the United States Department of Labor; and

B. For a male participant, an occupation in which 25% or less of the people in that occupation are males according to the United States Department of Labor.

§2023. Department duties

Notwithstanding subchapters I and II, the department shall encourage pursuit of nontraditional occupations by:

1. Support services. Providing necessary support services to participants, including but not limited to:

A. Payment for dependent care costs, as long as those costs do not exceed the prevailing regional rate for that care;

B. Training materials such as books, tools and uniforms; and

C. Travel payments according to the policies established by the United States Job Training Partnership Act service providers;

2. Orientation program. Ensuring that the applicable orientation program includes nontraditional occupations and a means of assessing interest in nontraditional occupations;

3. Ongoing support systems. Working with community organizations to develop ongoing support systems for participants who receive training in nontraditional occupations;

4. Staff training. Training staff on nontraditional occupations issues including differences in the economic status of men and women; the social, personal and economic barriers encountered in training and job placement and on the job by individuals pursuing nontraditional occupations; methods for recruiting individuals for nontraditional occupations; and the need for continuing support for individuals in nontraditional occupations; and

5. Rulemaking. Making rules in accordance with the Maine Administrative Procedure Act as necessary to establish procedures implementing this subchapter.

§2024. Department goals

The Commissioner of Labor shall annually forward to the joint standing committee of the Legislature having

jurisdiction over labor matters measurable goals showing continued reasonable progress that address enhancement of nontraditional training opportunities for citizens of the State.

§2025. Report

The Department of Labor must provide monthly written reports to the joint standing committee of the Legislature having jurisdiction over labor matters, commencing August 1, 1992. The reports must include statistics on overall participation in training programs, reported by gender; participation in nontraditional occupation training, reported by gender; and expenditures for each support service specified in section 2023, subsection 1 reported by gender for nontraditional occupation training participants; and expenditures for each activity specified in section 2023, subsections 2 to 4. The Department of Labor shall report annually in person to the joint standing committee of the Legislature having jurisdiction over labor matters, beginning February, 1993. The annual report on activities provided under this subchapter must include statistics by site or contract on participation; success rate in training and placement in further training and employment, including, but not limited to, data on the age and sex of participants and their job title and description; wage at the time of placement; and examples of assessment tools developed.

See title page for effective date.

CHAPTER 808

H.P. 1632 - L.D. 2296

An Act to Ensure the Safe Collection and Management of Certain Household Hazardous Wastes

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §2164, as amended by PL 1991, c. 517, Pt. B, §13, is further amended to read:

§2164. Household and small generator hazardous waste

The office shall develop and implement by July 1, 1992 1995, a statewide system for the collection and disposal of hazardous waste generated by households, public and private nonprofit institutions and small quantity generators.

Sec. 2. 38 MRSA §2165 and 2166 are enacted to read:

§2165. Regulation of certain dry cell batteries

1. Definitions. As used in this section and section 2166, the following terms have the following meanings.

A. "Industrial, communications or medical facility" means a structure or site where 15 or more people are employed and:

(1) Where articles are assembled, manufactured or fabricated;

(2) Are included in major group 48 of the federal Office of Management and Budget, Standard Industrial Codes; or

(3) Where medical services are provided.

B. "Rechargeable battery" means any nickel-cadmium or sealed lead-acid battery that is designed for reuse and is capable of being recharged after repeated use.

2. Disposal ban. A person employed directly or indirectly by a government agency, or an industrial, communications or medical facility may not knowingly dispose of a dry cell mercuric oxide battery or a rechargeable battery in a manner that is not part of a collection system established under subsection 4.

3. User responsibility. A government agency or industrial, communications or medical facility shall collect and segregate, by chemical type, the batteries that are subject to the disposal prohibition under subsection 2 and return each segregated collection either to the supplier that provided the facility with that type of battery or to a collection facility designated by the manufacturer of that battery or battery-powered product.

4. Manufacturer responsibility. A manufacturer of dry cell mercuric oxide or rechargeable batteries that are subject to subsection 1 shall:

A. Establish and maintain a system for the proper collection, transportation and processing of waste dry cell mercuric oxide and rechargeable batteries for purchasers in this State;

B. Clearly inform each purchaser that intends to use these batteries of the prohibition on disposal of dry cell mercuric oxide and rechargeable batteries and of the available systems for proper collection, transportation and processing of these batteries;

C. Identify a collection system through which mercuric oxide and rechargeable batteries must be returned to the manufacturer or to a manufacturer-designated collection site; and

D. Include the cost of proper collection, transportation and processing of the waste batteries in the sales transaction or agreement between the manufacturer and any purchaser.

5. Supplier responsibility. A final supplier of mercuric oxide and rechargeable batteries or battery-operated products is responsible for informing the purchasers that intend to use these batteries of the purchaser's responsibilities under this section.

6. Mercury content. A person may not sell, distribute or offer for sale in this State the following batteries:

A. An alkaline manganese battery that contains more than .025% mercury except that any alkaline manganese battery resembling a button or coin in size and shape may contain no more than 25 milligrams of mercury;

B. Effective January 1, 1993, a consumer mercuric oxide button cell;

C. A zinc carbon battery manufactured on or after January 1, 1993 that contains any added mercury; or

D. An alkaline manganese battery manufactured on or after January 1, 1996 that contains any added mercury except that any alkaline manganese battery resembling a button or coin in size and shape, may contain no more than 25 milligrams of mercury.

7. Effective date. Except as otherwise indicated, this section takes effect January 1, 1994.

8. Penalty. A violation of subsection 2 is a civil violation for which a forfeiture of not more than \$100 per battery disposed of improperly may be adjudged. A violation of subsection 4 is a civil violation for which a forfeiture of not more than \$100 may be adjudged. A violation of subsection 6 is a civil violation for which a forfeiture of not more than \$100 per battery sold, distributed or offered for sale may be adjudged. Each day that a violation continues or exists constitutes a separate offense.

9. Battery management plan. By October 1, 1993, the agency, in cooperation with manufacturers and wholesalers of batteries sold in the State, battery retailers and others shall develop a battery management plan. The plan must describe a comprehensive system for the collection, recovery, recycling, reuse, treatment or disposal of all mercuric oxide and rechargeable batteries subject to this section. The plan must address alternate battery collection systems including, without limitation, municipal collection, retail collection, returnable battery deposits and collection through the mail. The plan must describe the responsibilities of manufacturers and wholesalers and ensure that these batteries are properly managed no later than January 1, 1994. Any collection system developed under this section must include educa-

tional and publicity components that seek to maximize consumer participation in the system.

§2166. Rechargeable consumer products

1. Nonremoveable battery requirements. A person may not sell, distribute or offer for sale in this State any product powered by a rechargeable battery primarily used or purchased to be used for personal, family or household purposes unless:

A. The battery may be easily removed by the consumer or is contained in a battery pack that is separate from the product and may be easily removed; and

B. The product, the battery itself and the package containing the product are all labeled, in a manner that is clearly visible to the consumer, indicating that the battery must be recycled or disposed of properly and that the type of electrode used in the battery is clearly identifiable.

2. Exemption. The executive director may exempt products from the provisions of this section upon application from the manufacturer if, in the executive director's judgment, the product can not reasonably be redesigned and manufactured to comply with this section or, if redesigned, results in significant danger to public health and safety.

3. Effective date. Except as otherwise indicated, this section takes effect January 1, 1994.

4. Penalty. A violation of this section is a civil violation for which a forfeiture of not more than \$100 per battery sold, distributed or offered for sale may be adjudged. Each day that a violation continues or exists constitutes a separate offense.

Sec. 3. Waste paint report. By July 1, 1993, the agency, in cooperation with manufacturers and wholesalers of paint and coating sold within the State shall develop a plan for a comprehensive system for the collection, recovery, recycling, reuse, treatment or disposal of unused paint and coatings and their containers sold at retail within the State. The plan must describe the responsibilities of those manufacturers and wholesalers. Any system developed must include an educational and publicity component that seeks to maximize consumer participation in the system.

Sec. 4. Costs not funded. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state mandates subject to that section and the State is not required to fund those costs.

See title page for effective date.

CHAPTER 809

H.P. 1652 - L.D. 2315

An Act to Ensure Continuing Knowledge of the Identity and Whereabouts of Convicted Sex Offenders

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 34-A MRSA c. 11 is enacted to read:

CHAPTER 11

SEX OFFENDER REGISTRATION ACT

§11001. Short title

This chapter may be known and cited as the "Sex Offender Registration Act."

§11002. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Agency. "Agency" means an institution or department that has custody or jurisdiction over a sex offender. Agency includes county jails, state prisons, the Department of Corrections, the Maine Youth Center and detention facilities.

2. Sex offender. "Sex offender" means an individual convicted of gross sexual assault if the victim had not attained the age of 16 years at the time of the crime.

§11003. Registration of sex offenders

1. Duty to register. A sex offender who is sentenced to probation, discharged or discharged under supervision from a state or county correctional facility shall, within 15 calendar days after being sentenced to probation, discharge or discharge under supervision, register that person's current address with the Department of Public Safety, State Bureau of Identification.

This registration requirement remains in effect for 15 years from the date of:

A. Sentencing if no period of incarceration is to be served; or

B. Discharge or discharge under supervision from any state or county correctional facility.

2. Notice of duty to register. The agency that has jurisdiction over a sex offender required to register under this chapter or the court shall, prior to discharge or